

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DIRK KLINKE,
#1050952

Plaintiff,

vs.

ROBERT BANNISTER, *et al.*,

Defendants.

3:12-cv-00032-RCJ-WGC

ORDER

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. On February 28, 2012 the court entered a Screening Order that directed that certain of plaintiff's claims shall proceed and that dismissed other claims with leave to amend (ECF #3). Instead of the usual practice of directing the plaintiff to file his amended complaint, if any, within thirty (30) days, the court inadvertently granted the application to proceed *in forma pauperis* and entered a stay in the case. The court now vacates the portions of the Screening Order that grant the application to proceed *in forma pauperis* and impose the stay. Plaintiff shall have thirty (30) days from the date of entry of this order to file his amended complaint, if any, in accordance with the court's Screening Order dated February 28, 2012. If plaintiff elects not to file an amended complaint, then this matter shall proceed as set forth in that Screening Order.

IT IS THEREFORE ORDERED that the portion of this court's Screening Order dated February 28, 2012 that grants the application to proceed *in forma pauperis* is **VACATED**. A decision

1 on the application to proceed *in forma pauperis* is temporarily deferred.

2 **IT IS FURTHER ORDERED** that the portion of this court's Screening Order dated February
3 28, 2012 that imposes a ninety-day stay in this action is **VACATED**.

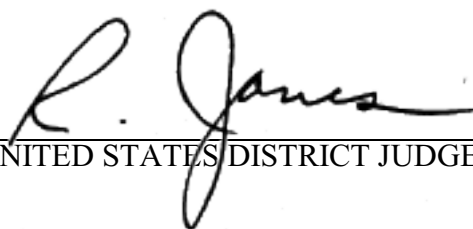
4 **IT IS FURTHER ORDERED** that plaintiff will have **thirty (30) days** from the date that this
5 order is entered to file his amended complaint, if he believes he can correct the noted deficiencies. The
6 amended complaint must be a complete document in and of itself, and will supersede the original
7 complaint in its entirety. Any allegations, parties, or requests for relief from prior papers that are not
8 carried forward in the amended complaint will no longer be before the court.

9 **IT IS FURTHER ORDERED** that plaintiff shall clearly title the amended complaint as such
10 by placing the words "FIRST AMENDED" immediately above "Civil Rights Complaint Pursuant to 42
11 U.S.C. § 1983" on page 1 in the caption, and plaintiff shall place the case number, **3:12-CV-00032-**
12 **RCJ-WGC**, above the words "FIRST AMENDED" in the space for "Case No."

13 **IT IS FURTHER ORDERED** that if plaintiff chooses not to file an amended complaint, this
14 action shall proceed as set forth in the Screening Order dated February 28, 2012.

15 **IT IS FURTHER ORDERED** that the Clerk shall send to plaintiff a blank section 1983 civil
16 rights complaint form with instructions along with one copy of the original complaint.

17 Dated this 13th day of March, 2012.

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20 UNITED STATES DISTRICT JUDGE
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